

REFLECTIONS UPON REFLECTIONS,

INCLUDING SOME

OBSERVATIONS

ON THE

CONSTITUTION and LAWS

OF

ENGLAND;

PARTICULARLY

On Pressing, on the Excise, on Libels, &c.

IN TWO LETTERS,

TO THE

Right Hon. EDMUND BURKE,

In answer to his Pamphlet.

By ROBERT WOOLSEY, GENT.

L O N D O N

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REFLECTIONS AND RELECTIONS

IN THE

CONSTITUTION

OF THE

UNITED STATES

IN TWO VOLUMES

BY

ON PROBLEMS, ON THE

IN TWO VOLUMES

TO THE

RIGHT HON. EDMUND BURKE

IN THE

CHARLES WOODS

LONDON

PRINTED FOR THE AUTHOR

IN THE

AND SOLD BY

IN THE

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READER,

*P*REVIOUS to your perusal of the two following letters, it may not be amiss to premise, that the thoughts contained in the first, were put down as they occurred to me on my perusal of Mr. Burke's pamphlet. In regard to the thoughts contained in the second, it may suffice to observe, that Mr. Burke in his Reflections, hath held forth the constitution and laws of England, as a model of perfection, and as highly worthy the imitation of the French. How far our constitution and laws merit that enviable distinction, or whether the observations contained in my first letter be consistent with
1x truth

truth and experience, you must decide. This only I request that you will not suffer Mr. Burke's eminence either as a statesman, an orator, or a man of integrity, to influence your decision,—For I need not observe that all a man's politics, eloquence, and virtue can never make those propositions true which are in themselves false.

Dec, 1790.

R. W.

** Owing to the hurry of the press, some typographical errors have crept into the following letters.—These of course you will please to excuse,

LETTER I.

TO THE

Right Honourable EDMUND BURKE.

*There is one that laboureth, and taketh pains, and maketh haste, and
is so much the more behind.*

ECCLIES. ch. xi, v. 12.

S I R,

I HAVE read your Reflections with
concern, and indignation. First, and prin-
cipally, because they appear uniformly to
spring from a soul prejudiced in favour of
tyranny and superstition, against the natural
rights and liberties of mankind. Secondly,

B

on

on account of the loose, uncandid and illiberal manner in which you have managed your subject.

You have, it seems, imbibed principles inimical to the late Revolution in France: of course, that event, and all those who approve of it, share some portion of your spleen—how considerable that portion is, your pamphlet can better tell than I. However, this excites pity only. It is a black spot in the heart, implanted in its original formation; for which its owner is no more to be blamed, than a sheep is for being afflicted with the scab. But when, for the purpose of instilling these principles into the minds of others, above 300 pages are written, replete with sophistry and scurrility, in which the author uses declamation and abuse for reason and argument, indignation and contempt are the only sensations the reader can experience.

EVERY author, I apprehend, (and you amongst the rest) endeavours to impress upon the mind of his reader sentiments congenial with his own. And notwithstanding the title
of

of your pamphlet or volume, I presume your intention was to convince the world, that the late Revolution in France would be productive of more evil than good; and that the conduct of those who publickly approved of it was reprehensible in the highest degree. How well you have satisfied us in these particulars, may hereafter appear.

THE most natural, fair, and candid method of treating your subject, appears to be this:—You should, in the first place, have laid before your readers the constitution and laws of France as they stood before the Revolution; and in the next place, the constitution and laws of France as they now stand. The decision then could have been made with tolerable facility; for I believe 'tis chiefly the want of understanding that renders the judgment erroneous. But instead of this plain method, you have pursued a contrary—from what principle, let the world judge. Conscious that facts are stubborn things, appealing immediately to the heart, you continually hover over, but never touch them. You frequently spin half an ounce of sense into

fifty yards of tinsel—that which can be signified by one word, you employ a hundred about. Sophistry is piled upon Metaphysics—Metaphysics upon sophistry, and digression upon digression. Railing stands where reason ought; and opprobrious epithets supply the place of argument, as I hope presently to make appear.

PAGE 1 to 3, Exordium.

PAGE 3 to 4. Nearly a page employed to clothe a witticism or two concerning Charity and liquors; nothing relevant to the Revolution in France, or the proceedings in certain societies relative to that event.

At the 4th page the Revolution Society is ushered in:—And here it might be expected, that its conduct relative to the Revolution in France would be accurately described, to enable the reader to form a judgment upon it; but nothing of this sort is to be met with. Indeed after two pages of half-flying and half walking, wherein you appear undetermined whether you shall touch
the

the ground or not ; you inform us, that
 “ having no apostolic mission, being a citizen
 “ of a particular state, and being bound up in
 “ a considerable degree by its *public will*, you
 “ should think it at least improper and irre-
 “ gular to open a formal public correspon-
 “ dence with the actual government of a
 “ foreign nation, without the express autho-
 “ rity of the government under which you
 “ live.”

I WILL take the liberty of examining
 this passage a little. You, shewing how you
 would act in similar circumstances, seem to
 reprehend the Revolution Society for acting
 in opposition to the *public will* of that parti-
 cular state of which it is a part. The terms
public will, if not meant, are calculated to
 deceive. I should be glad to know of you,
 or any other man, what the *public will* of any
 state is but the laws of that state : and till
 it be proved that the abovementioned society
 hath acted in opposition to some existing law
 of this country, it may safely be asserted, that
 this society hath not acted in opposition to
 its *public will* : in which case, your thoughts
 con-

concerning irregularity, impropriety, and *public will*, stand for nothing, and might as well have been kept to yourself. In this light, therefore, the Revolution Society may be found not guilty. The only ground upon which it can be convicted is, upon proving that the present constitution and laws of France are more destructive to the happiness of the people of that country than the former. When this is proved, I must allow, that the approbation of this or any other society, in respect of the French Revolution is reprehensible—not because it acts illegally, but, because it builds its approbation on the misery of mankind.

I WILL beg leave to say a word or two more on this head. I have heard or read, that previous to our Revolution of 1688, (which I suppose you approve of) several eminent men in England carried on a correspondence with King William the 3d, for the purpose of depriving the then king of his crown. As citizens of a particular state, their conduct was illegal and improper, being in opposition to the public will of that state in which

which they lived, which James II. might perhaps have convinced them of, had he kept possession of the throne. Yet as citizens of the world, they appear to have acted well enough; and seeing William prevailed, the propriety of their conduct was firmly established, and never afterwards called in question.

PAGE 7 to 13. A great bundle of metaphysics and general stuff, full of your own uneasinesses, solicitude, astonishment, &c. And hereabouts it is, that you introduce Dr. Price, and tolerably bespatter him with filth, for the purpose of proving his sermon good for nothing. You censure in the lump, and damn like the Pope, by your own infallibility. You make even the friends of the Doctor subservient to his damnation, merely to give yourself an opportunity of ringing changes upon your words. Some are habited in long black garments—others in black long garments—some are political theologians—others theological politicians. But your weightiest argument against the Doctor's sermon is his resemblance to Hugh Peters.

Peters. Hugh had a nose, and so] has the Doctor ; therefore every proposition in the sermon stands irrefragably confuted.

THAT this method of managing your argument is somewhat illiberal and inconclusive, the following instance may suffice to convince you. Suppose a rapacious minister should deliver over to a pensioned legislator a certain quantity of plunder, wrung by the donor out of the sharpest miseries of the people. Suppose also, a question to arise, whether such plunder was honestly come by or not: in this case, do you seriously think, Sir, it would mightily help the matter to detail the history of this same pensioned legislator; and by elaborate deductions, prove that he was a rank mercenary tory, and so avaricious a wretch, that he would whip a toad three miles for a farthing, and trust seven years for the money? I apprehend you will answer in the negative; and if so, of what complexion do you think are the greatest part of your reasonings against Dr. Price?

PAGE 13 to 16. Irrelevant farrago.

PART of the 16th, and many of the ensuing pages, are filled to prove, in opposition to Dr. Price, " That the people of England have not a right to chuse their own governors." That they have no right to " cashier them for misconduct," and " that they have no right to frame a government for themselves." I should exceed the bounds I have prescribed myself herein, were I to follow you through all your mazes of wordy sophistry and abuse. Perhaps all the three rights above alluded to may be consolidated in one, *i. e.* The right of the people of England, as well as of other countries, to chuse their own governors. For I conceive that if this right be allowed them, the two others will follow of course.

THAT all nations, and the English amongst the rest, have this right, may be clearly evinced, if we strip the proposition of that load of confusion which you have been pleased to lay upon it. Take it as it is stated. Reduce it to practice. It stands thus. The

C

people

people of England, either in *propria persona*, or by deputies, appear before the Parliament, and insist that they will no longer be governed in the present manner, but in a manner similar to that of their neighbours in France. The Parliament say, No ; remain as ye are. —We have a right to govern after the old fashion. To this the country reply, You have not ; and accordingly the parties are at issue, that is, at a point affirmed on the one side, and denied on the other. The question, therefore, is on which side the right rests. The parties meet to decide. They separate into two divisions—seven millions on this side—a thousand on that. Both are for governing, and the question still is, Shall the thousand govern the seven million, or the seven million the single thousand ? The few call the proposed change *wrong*—the many *right*. The thing itself is undoubtedly the same, and the question only what its denomination shall be. And it resolves itself ; for seeing there is no common judge, to whom appeal can be made, (the god of battle excepted) it is evident on which side judgment will be pronounced, even though you, Sir, should, as usual, be one of the minority.

Y ou

You may, perhaps, object that this reasoning is visionary, and that experience will not warrant it ; and I answer, Be the name what it may, the reasoning is just, and not beside the purpose. The question is—Have the people of England (meaning all the governed) a right to chuse their own governors? And yet, although perhaps it never happened that a whole nation to a man ever rose upon the governing powers, still the question is as fully proved in the affirmative, as that a square superficies, whose side is ten feet, is proved to contain a hundred square feet, although there should be no such thing as a square in nature.

You have dwelt a good deal upon the country's having, at the Revolution of 1688, appointed the Chief Magistrate from the old line of succession. But this I apprehend was done merely from prudence. It had nothing to do with the right. The country at that time had undoubtedly a right to place whomsoever they pleased upon the throne. In fact, they did disable some who before were eligible, which is a sufficient proof of this.

And I believe it is very well understood, that the King, Lords, and Commons, who are nothing more than the repositories and guides of the power emanating from the people, can regulate the Crown as they please, and even make it elective upon the death of every Sovereign.

IN p. 38, you assert, " That no government could stand a moment if it could be " blown down with any thing so loose and " indefinite as an opinion of misconduct." Give me leave, Sir, to say that this assertion is not consistent with truth and experience. Men are not governed by speculative notions. —They are governed by their passions.— And when any government is once established, the misconduct of the governors must be very gross indeed, and speak home to the feelings of the majority of men, before such government can be subverted. Men do not quit a state of peace for that of war, till goaded to it by the tyranny of their governors.

IN p. 40, you appear to dislike part of Dr. Price's sermon, because it does not exactly

actly coincide with the liking of kings. By your way of reasoning, some men might be led to conclude that kings were made of brass, and immortal. Indeed, from the same authority, I should be inclined to think so myself, were it not for the recollection of Charles I. who grew shorter by a head for siding on the wrong side of the question.

IN p. 45, you cite Coke and Blackstone to assist you in your labours, but surely you might with equal propriety call in a cobbler to amputate a limb. I will give them all the credit they deserve for their skill in the laws of England; but in regard to ascertaining what right the people have to chuse their own governors, I apprehend they were no better judges than yourself. *Law* is in some cases defined.—To establish it, recourse may frequently be had to precedents: and in most, if not in all cases, where two parties dispute about the name of a thing, *i. e.* whether it shall be called right or wrong, a common judge, armed with the power of the community, may be resorted to for his opinion of the business, and his decision binds both parties.

parties. On the other hand, though you frequently confound *constitution* with *law*, the former hath few or no precedents to resort to; and besides, in cases of *constitution* between the people and their governors, a common judge is not so readily to be met with.—Hereupon, as experience warrants, the strongest side become the arbiters of right and wrong. And in regard to your sacred right of inheritance, on which you lay so much stress, perhaps we should in many cases be as well without it. It is of a nature similar to that observed in the descent of what the lawyers call real estates, which may properly enough be stiled the art of reducing one part of a man's family to beggary and famine, for the purpose of making hogs of the other. Like the king's evil, which is also said to go by inheritance, it is a patrimony not very desirable, as I will shew you in another place,

PAGE 50 to p. 99. A mighty jumble of general stuff, according to custom; full of groans, prophecies, &c. However, it may not be amiss to rescue two or three passages from

from this mass of confusion, and to make a few observations upon them.

You are very violent against those who compose the National Assembly of France, and in your usual manner, rail and call names; and then tell us you *forefaw* what such men would do. Your skill in railing and prophecy it is not my business to question; but if you wish to convince me of the merit or demerit of the members of the National Assembly, come to particulars—tell me what good and evil they have destroyed; and what good and evil they have been the authors of. By this I will judge, and by nothing else. And in regard to your placing our House of Commons in opposition to the National Assembly, I think I may say, you will gain little by the comparison; for 'tis on all hands admitted, that the business of the nation is generally transacted by a settled majority in favour of the minister: and further, that some members in that house are neither wiser nor better than God made 'em. I could descend to particulars, and give you a list of fifty or sixty, were it not for

for that excellent doctrine of Lord Mansfield's—the greater the Truth, the greater the Libel. However, this I will be bold to say, that some of the members wrangle and scold for a long time together, without saying much to the purpose—but whether this is done for the nation's benefit or *their own*, perhaps you are a better judge than I.

PAGE 72. I think you might have shewn some indulgence to the carpenters, even in the keenest agonies of your resentment, however violently you vent it against men of other callings, on account of their following the business of legislation: If you be a Christian, you must allow that there hath been upon Earth a journeyman Carpenter who was at least as great a man as yourself, and is now honoured as much as ever you will be. But in truth, this envious burst of discontent against carpenters, hair-dressers, &c. is a piece of sophistry, arising from conceptions of prejudice; that governments were instituted for the benefit of kings, courtiers, bishops, monks, and lawyers; and not for the general good of mankind. And if I mistake

take not, our House of Commons is not shut against any man on account of his occupation, not even against papists, provided they will perjure themselves and swear they are protestants. And the former is with reason, for a man may be a good and a great legislator, notwithstanding he is a manufacturer of snuff; there being no greater repugnance between snuff and legislation, than between toryism and oratory.

You afterwards sing us a mournful ditty concerning the king of the French and his consort. It were to be wished, that you had not in the contorsions of your agony forgot the massacre of St. Bartholomew—the torments of poor Damiens—the horrors of the Bastile, against which innocence was no protection; with a few other trifles of the same complexion. But this would have been coming within the verge of fair reasoning, which would not have answered your purpose. Besides you were so wrapt up in the exalted rank of your *well-born objects*, that I believe you forgot for a time all feelings but theirs and your own.

PAGE 112 and 113. Don Quixote and Dulcinea del Toboso.

PAGE 119. You have these words, "Why do I feel so different from the Rev. Dr. Price?" And we find the answer a little lower—because he is base and you are good—a short liberal cut to infallibility.

PAGE 122 and 123. Let Louis be as merciful and as kind as he will, (to his courtiers) still I apprehend, that if a great majority of the people find (as was the case) that the state is impoverished—their fellow citizens lost in the dungeons of the Bastille—lettres de cachet ready to execute the purposes of an arbitrary court, and oppression reducing the middling and lower classes to the extremest poverty—have they not a right to require a little alteration in the government? And if they have, who but themselves can be competent judges of the nature and extent of such alterations? I cannot deny that the abuses above mentioned, with many others, were practised under Louis' forefathers; but is that a reason why they should continue under him?

Enemy

Enemy as you are to reforms, even of the most horrid abuses, you cannot answer this in the affirmative, with the approbation of any but tyrants and priests. I am aware that you are inclined to consider the mass of mankind as so many cattle; and that kings have a property in them: and it is upon this ground alone that you can rationally disapprove of the Revolution in France. But here I shall beg leave to unyoke myself from you, and to consider myself as a *man*. I will even go farther and assert, that had all France appeared before Louis XIV. and bound themselves and their posterity by the most solemn oaths, to him and his successors for ever; yet could such binding extend only to the parties. Their posterity finding themselves aggrieved, had, and have certainly a right to model for themselves what government they please; even though a certain single Frenchman named Louis, backed by Edmund Burke, should secede from his fellow citizens, and assert that they had not.—

You say Louis XVI. was willing to call his subjects to a share of freedom.—I

have heard that he was not: and that he only summoned them on account of the deranged state of his finances. But be that as it will, I can have no conception of one man's claiming a right to plunder, imprison, and murder even so small a number as a dozen others against their consent; or that it is any establishment of such a man's right, to say that his grandfather had exercised a similar power before him. In regard to the feelings of Louis upon the occasion—if he were willing to give freedom to his subjects, he is now happy: if he were unwilling, I pity him, as much as I do an envious man who repines at the prosperity of his neighbour. As to his captivity, I cannot conceive that his subjects mean it either as a punishment, or an insult. I believe they confine him to prevent the effusion of blood, as we confine lions to prevent them from doing mischief.

PAGE 124 and 125. A most excellent and charitable account of Lord George Gordon and Newgate.

PAGE 128. You assert that madmen are not our lawgivers. *Query, as to some of them.*

IN the same page I find as follows:—

“We look up with awe to kings, with affection to parliaments, with duty to magistrates, with reverence to priests, and with respect to nobility.” This is a story of the old cut, and I will beg leave to continue it. We consider general warrants with aversion—the French beheld the Bastile and the rack with horror:—and you ask why? Here is your answer.—“Because when such ideas are brought before the mind, it is natural to be so affected, &c.” And what then, Sir?—Do you mean to infer from hence, that Popish priests, nobility, Bastiles, and racks are necessary to the happiness of mankind? Somewhat more might be said upon this subject, but perhaps ’tis as well let alone.

IN p. 133, you interrogate as follows:

“Who, born within the last forty years, has read one word of Collins, and Toland, and Tindal, and Chubb, and Morgan, and
“that

“ that whole race who call themselves Free-thinkers ?” And why, Sir, did you not add Hume by name ? But I am afraid he would not have answered your purpose ; for David Hume, though he were neither king, lord, legislator, nor priest, was one of Pope’s honest men, and will be read when the Reflections of Edmund Burke, M. P. shall be lost, and forgotten in the family vaults of “ all the Capulets.” But surely, Sir, you do not by the foregoing interrogation mean to insinuate, that because a book is little read, it is therefore good for nothing ; for in such case, what would become of the Bible ? which few now read except old maids, schoolboys, and priests. This proves that a book may be very good, and yet much neglected.

AFTER mentioning your inward light, page 134, you might have had the charity to inform us, *what religion* is the basis of civil society—The Christian, the ancient Greek, the Mahometan, or the Chinese ? Or whether either of them will answer the purpose equally well. I have heard some ignorant people ascribe a little influence to the laws ;
and

and also assert, that more disorders would arise in a state from suspending the laws of the land for one day, than those of religion for a year. But in this matter I submit, as your *inward light* renders you the more competent judge of the two.

PAGE 134 to 164. Great store of religion worthy of Bishop Bonner, and fit to be bound up with the Creed of St. Athanasius.

IN page 147, you tell your friend, that “in France they are wholly mistaken if “they do not believe the English above all “other things attached to religion, and “beyond all other nations.” A pretty story truly!—I do not pretend to say how much other nations are attached to religion, but according to your account, it cannot be a great deal:—nor do I say that we *ought* not to be attached to religion above all other things; but this I do assert, that we *are* not. For the majority of the people of England even make their religion the least of their concerns, as experience proves. A short question may satisfy you of this—There are at present

present near ten thousand clergy in England — Now I should be glad to know of you how many bishops and parsons we should have in the year 1850, were the state to take their temporal emoluments away? And indeed, my dear Sir, if you were to substitute something of charity and liberality for a small portion of your religion, the change would render you at least more agreeable to your readers.

IN p. 183; you say, “ When all the “ frauds, &c. employed to bring about and “ uphold this Revolution have their natural “ effect, that is, to shock the moral sentiments of all virtuous and sober minds,” &c. by which I suppose you mean all such minds as correspond with your own.

IN p. 188, You declare your opinion to be, that the French government wanted a reform, but that the whole fabric ought not to have been demolished. Here are good words enough, and it is pity the French had not consulted you about the reforms necessary to have been made; and then perhaps
you

you might have been satisfied. But, setting aside your infallibility, I should be glad to hear of one reform in the constitution and laws of France, that is not preferable to that part of the constitution and laws which it hath superseded.—This, laying by your flourish of words concerning yourself, and other odd matters quite foreign to the purpose, I make bold to say you cannot produce. And if that be the case, I shall conclude that the late Revolution in France was not pernicious, but beneficial in the highest degree.

PAGE 191. You say “you do not attribute the population of France to the deposed government, because you do not like to compliment the contrivances of men with what is due, in a great degree, to the bounty of Providence.” Here I apprehend you are, as you generally have been, on the awkward side of the question. If a man by art or strength bring about any desirable event, is not that event owing to the bounty of Providence; at least as much as those which happen without such intermediate means? for these means, art and
E strength,

strength, are as much owing to the bounty of Providence, as the population of a country: therefore what is produced by them, is owing to the bounty of Providence also.

IN p. 224, you say, “ you (and somebody else, I know not who) have never dreamt that parliaments had any right to “ violate property.” I cannot tell what you or others dream, nor what you call right: but this I know, that if the Parliament call any thing right, ’tis in vain for either you or your fellow dreamers to call it wrong. The late tax on the shopkeepers is an instance of this sort.—The Parliament took away the property of a particular description of men; and although all partial taxes may be deemed censurable, yet no one, I believe, ever questioned the right of the Parliament to do this. But you’ll say, this was a tax, and therefore right. It may be so—and you need only to clap the same appellation upon the proceeding of the National Assembly respecting the clergy, and that will be right too.

PAGE 269 and 270. In these pages, you touch upon the representation of the people of England, and assert, that the inequality of our representation is an excellence. Your reason for this is curious.— Cornwall, you say, elects as many members as all Scotland ; and then you ask, but is Cornwall better taken care of than Scotland ? I also say, that Old Sarum elects as many members as the county of Essex ; and then I ask, but is Old Sarum better taken care of than Essex ? To both these questions I answer, no. And further, that upon the same principle, Old Sarum might as well elect the whole House of Commons ; and I should not suspect that Old Sarum, upon that account, would have the preference in the care of the legislature. In fact, upon your principles, the Crown might as well be absolute, for even in that case, I do not think one part of the kingdom would fare worse than another. No: the whole country would fare alike, and England would then be what France was, or rather, perhaps, what Turkey is now. For did you never hear, Sir, of the governing part of the community taking better care of

themselves than of the country? And is there a likelier method of putting them upon that scent than the ground you go upon? To what else do you think is owing that blind majority on the minister's side on every question that is debated in the House? However, I excuse you on account of your being one of our governors, which probably you might not be, on any other principles than your own.

THERE is a great deal more in your pamphlet, which, had I time, I would pay a little attention to. But I hope what I have said will convince you, not only that your feelings on the foregoing subject are warped, but also that the method you have taken to warp the feelings of others is, in the highest degree, improper and reprehensible. Your last page is a specimen of this; and I will bestow a word or two upon it before we part. Somewhere in your pamphlet you have said, that the law will not suffer a man to be judge in his own cause. And I say, the same law hath also provided that no man shall be a witness in his own cause. If this be just, the good

good account you give of yourself in your last page might as well have been omitted, unless you could have got a subscribing witness to testify the truth of it. And even in that case, it would have been beside the purpose; for what have your great virtues and qualifications to do with the truth of your propositions?—A full display of them may be necessary in oratory, where mere persuasion is the end aimed at—but where truth is the object, all rigmarole of such a texture does more harm than good. Upon the whole, I cannot help comparing your pamphlet to an ounce of *assafoetida*, carefully wrapt up in 356 yards of stout fustian, which, when unfolded, produce disappointment and disgust,

I am, Sir,

Your's, &c.

ROBERT WOOLSEY.

December, 1790.

LET.

LETTER II.

TO THE

Right Honourable EDMUND BURKE.

And he spake to them after the counsel of the young man, saying, my father made your yoke heavy, and I will add to your yoke. My father also chastised you with whips, but I will chastise you with scorpions.

I KINGS, ch. xii, v. 14.

DEAR SIR,

FROM a perusal of my last letter, you may perhaps be induced to think, that I have conceived a dislike to the whole of your pamphlet, but this is by no means the case; there are some parts of it wherein your under-

derstanding and judgment are eminently conspicuous, and for these I am ready to give you all the credit you deserve. The parts I mean are those which recommend to the French, the constitution and laws of England as a model of perfection, and as highly worthy of being adopted by them. It is indeed, a matter of regret and astonishment to me, that so much excellence should have escaped the penetration of the French legislators, but "*Nemo omnibus horis sapit;*" and it must be confessed, that your benevolent treatise did not make its appearance until the evil was far advanced, and I fear, past remedy. However, as the importance of the end will justify any fair means to attain it, I will beg leave to relate to you a few particulars of our constitution and laws, whereby you as well as other men, may judge whether they are indescribable, superexcellent, or but barely admirable. And this I will endeavour to perform by a short detail of facts, without any recommendation of my own, or striving to bewilder the imagination with endless paragraphs of metaphysics, or other unintelligible palaver, totally foreign to the subject.

De.

Descending to facts and particulars? will also be of this further utility:—The French, who perhaps may not have the good fortune to mistake your infallibility for that of his Holiness the Pope, and therefore may not chuse to rely upon your general recommendation in this matter, will find themselves overborne by facts, than which nothing is more stubborn or inflexible; and accordingly it is to be hoped, that they will forthwith commence and complete a reform perfectly consonant to your principles and my own.

I AM well aware that some visionary writers, prone to misrepresentation, have laid it down as a maxim, that all governments are composed of two distinct classes of people, differing as widely from each other as light and darkness; and that these two classes, properly denominated governors and governed, are by them invidiously filed oppressors and oppressed. They have not only pretended to support this maxim in its fullest extent, but have also ventured to assert, that according to the present aspect of things, every government appears calculated for the
sole

sole interest and benefit of the former ; and 'tis this assertion, perhaps, that has induced our neighbours in France to frame their own constitution and laws, without adverting particularly to ours, or to those of any other state. I shall therefore, under your auspices, endeavour to combat the falsehood and pernicious tendency of such assertion, and prove to the world that the English constitution and laws is liberty itself, and calculated solely for the interest and benefit of the governed. And moreover, that few, very few alterations and additions are necessary to render it a model of perfection. These alterations and additions, as I pass along I shall, with your leave, take the liberty of suggesting, under the humble hope of seeing them adopted, not only by our present minister, but also by the National Assembly of France.

You are not ignorant, Sir, that the constitution of this country is, that it shall be governed by King, Lords and Commons, the last of which shall from time to time be elected by the people.—An excellent institution, and most admirably adapted to ensure

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liberty to the subject ; for setting aside the former two branches, every man is his own legislator (except perhaps about nine-tenth parts of the nation, and it need not be observed that there is no general rule without an exception). What Englishman then, admitting this, can with the least shadow of reason complain of oppression ? He legislates for himself, and has no controul but of his own appointment. I must not, however, omit another trifling exception, which I had almost forgot on account of its insignificance. It is the power which the Commons, with the assistance of the King and Lords, have of re-electing themselves : but as this power is never exerted, unless at proper times, and on pressing occasions, (of which propriety and pressure they are, of course, the sole judges) and seeing it is always professedly exercised for the benefit of the subject, it may justly be accounted an ornament rather than a blemish in our political fabric. Some enthusiasts have indeed objected, that the last re-election of this nature was an infringement of the constitution ; and that, although it were to prevent a broken head or two, the sacrifice

vice was somewhat too considerable and the precedent mischievous—but let them for a moment consider of the advantages gained by the change, and the objection must immediately vanish.

THERE seems at present only a little addition necessary to this admirable amendment, if it may be so called, and the constitution will be complete. It is a more equal representation of the people which the minister now stands, and has long stood pledged to procure; and which, to his praise be it spoken, he is using all due diligence to complete. There are not many more than one-tenth part of the people of England who have the privilege of choosing representatives in parliament. Of course the remaining nine parts are without any. To remedy this defect, and as it will be easier to manage one than nine, with your leave, I humbly recommend that the Commons be from henceforth chosen by the minister. This would undoubtedly preclude any murmuring from the nine unrepresented parts, seeing they would then be upon a level with their brethren, and conse-

quently be as much represented. A reformation after this fashion is also the more to be desired, as it will render the government uniform, and cut asunder that slender thread which now attach the governors to the people. The King will remain in *statu quo*—the Lords be made by the minister as usual—and the Commons created in the same manner. It would be needless to enumerate the many and great advantages which would arise from so excellent a reformation. All the broils, broken heads, bribery, perjury, ill-blood, trouble and expence incident to general elections would be for ever banished, and peace and implicit obedience succeed in its stead, and pervade the whole community. I am not ignorant that some peevish snarler may liken this remedy to that of amputating a man's leg for the cure of a corn: and I must in answer beg leave to observe, that the constitution of this country cannot with justice be placed in comparison with the leg of a man.

I know of no obstacle to this reformation, except it be the rusty perverse disposition

sition of the one-tenth part now represented; for as to the remaining nine-parts, they have been too long in the habit of implicit servitude to merit the least consideration. Lest, therefore, any opposition should arise on the part of their brethren, I shall propose one more scheme, which though different in appearance, will be the same in effect. It has this peculiar advantage of which the other is destitute, *viz.* A similar scheme hath been before adopted, and may in this case be cited as a precedent. Let the minister by means of his majority lengthen the duration of the present parliament to twenty-one years. A common building lease has a longer term, and shall a great country with all its inhabitants be let for a shorter? But should the lease from seven to twenty-one years be thought too mighty, a medium might be chalked out, such as, for instance, a running lease of seven, fourteen, twenty-one years, &c. *in infinitum*, determinable at the option of the minister.

SHOULD either of the above schemes be adopted, it would not be amiss to incorporate

rate the Commons with the Lords, and suffer them to deliberate in the same house. The Commons might indeed be made Lords too: I know, Sir, this would meet with your approbation.—Nay, upon second consideration, seeing the nation might take it in dudgeon to find so heavy a batch of lords baked at one heat, it were to be wished that the whole nation were ennobled at once. What a glorious country then would England be! All nobility! No mobility! And the whole compassed with so much facility and so little expence! for you know it costs nothing to make a lord.

And here I cannot help making a short digression in reply to those shallow reasoners, who in opposition to such deep reasoners as yourself, set light by lords and decry the utility of their titles. What! exclaim they, were not Julius Cæsar, Pompey, and many others who had no titles of nobility, as great generals as any of our modern lords? Besides, allow a lord as many excellent qualities as you please, they are appendages of the man and not of his title, which is but a quality;

quality; for take away the title, yet the man remains; but take away the man, and there remains nothing; or if you please a lord, which is equal to it. I must confess that this sophistry is specious enough, but it will not stand the test of strict reasoning; for who is not satisfied, that a poor lord incumbered with debts and privileged by the law of the land from paying them, is in a far better situation, than a needy brute of a fellow without a title, who for lack of forty shillings, which perhaps the lord owes him, is obliged to lie in prison for life, while his family perishes with hunger and cold? I have called this a digression, but perhaps rather improperly, seeing it evinces amongst the many benefits that will arise from an indiscriminate shower of titles, that useful one of privilege from payment of debts.

I AM not ignorant that many finding these necessary reforms so long delayed, have expressed extreme dissatisfaction thereat. But this is without reason: for we are already so near to that desired and enviable state of complete reformation, and at the same time posting so
kindly

kindly towards it, that no one possessed of the least foresight can despair of reaching the wished-for goal. And in truth, were such a state never to be attained, still ought we to conceive ourselves particularly favoured, seeing the blessings to be expected from the reformation above proposed, are well enough secured without it; for the minister at present elects one-half of the Commons, and can, at any time when he pleases, ——— the other, as you very well know.

HAVING thus proved the excellence of our happy constitution; and that it is admirably and almost infallibly calculated to ensure happiness to the subject; my next business shall be to prove, that our legislators created and elected in manner aforesaid, invariably pursue the end of that constitution; and in all the laws which they enact or suffer to continue in force, never lose sight of the good of the people. No, not even when it comes in competition with their own.

IN all states it hath been thought necessary to keep a strict look-out upon the conduct

duct of the neighbouring powers, whose ambitious designs in case of negligence, might in a short time subvert a constitution far superior to the English, if any such there can be ; and frustrate all the happiness intended to be grounded thereon. And as between rival nations disputes will sometimes arise, it hath in most states been thought necessary to maintain fleets and armies for their protection and defence. I am not ignorant that some (like Friar Bacon, of brazen memory) have proposed fortifying Britain with a wall of brass ; and that this excellent fortification not long ago was lost for want of one poor solitary pension. But as this was a blessing of which Heaven at that time thought us unworthy, we must make shift as we have hitherto done with those dragons, emphatically stiled the wooden walls of Old England, until that of brass can be allowed us. It is the prompt and humane method of completing these wooden walls, upon which I am just now going to bestow an encomium.

SOME may think I jeer in calling the present practice of pressing humane ; but I

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hope, I shall be thought serious before I quit the subject. It is well known that brooding over the apprehension of future evils damps the stoutest courage, and even renders life miserable—pressing prevents all this.—Our brave defenders find themselves in the midst of battle before they know where they are. For instance: a man quits his family in the morning, to seek his livelihood under the protection of the law. He is met by the servants of the minister—is knocked down like an ox, and has his head laid open with a hanger—he loses one eye, perhaps both, and is carried senseless away—he awakes and finds himself half smothered with filth, in a dungeon not inferior to the Black-hole of suffocating memory. After a month's seasoning here, he is lugged out—enquires wherefore he is used thus—and in answer receives a round dozen. In this condition he commences his service to his country, in return for the protection he has received from its laws. Now many will think this way of proceeding a hardship, but so far from it, 'tis a blessing, as with a little attention will appear. I have before observed, that this sudden method of man-

manning our fleet is superior to all others, on account of its freedom from apprehension of danger. And though some may harbour a little dislike against a story to which a knock-down blow, or a cut with a hanger serves as a preface ; their dislike argues nothing. It is a dislike arising from an idle pity in the spectator. The man himself, if the blow be properly applied (which is often enough the case) is senseless, and has nothing to do with it. The loss of an eye may indeed at first sight be thought an evil ; but this arises from the want of a due knowledge in optics : for every naturalist will tell you, that in a case of this nature, the remaining eye receives at least a double portion of sight. It is therefore a blessing rather than a curse. The remaining eye will also be better able to pierce those thick clouds of smoke, which I have been told are sometimes seen in sea engagements. And if it should so happen that both eyes be knocked out, it is better still, for then their owner escapes pressing ; and is moreover free from all those disorders of the eyes with which many people possessing them are afflicted. But even allowing pressing to be

an evil (which however I have sufficiently proved it is not); this, as well as the happiness and lives of every individual in the community, must give way to the good of the state.

BUT notwithstanding the excellence of this method, I must be ingenuous enough to acknowledge, that it is not perfect. It is certainly capable of addition, if not of amendment, for it cannot be denied that money is as necessary as men in these cases: I therefore humbly propose, that pressing be also established in regard to the former, and that a power be immediately vested in the minister to send a proper gang at all seasonable times (of which of course he shall be judge) into the houses of any of his majesty's subjects; and then and there to press and carry away such money and other property as may by them or their employer be deemed requisite. Some will likely enough start at this little addition to the pressing law, and be apt to bestow upon it the odious epithets of tyrannic, arbitrary, &c. but this odium will disappear, when we become as
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much accustomed to the impressing of money as we now are to the impressing of men. And besides, no one who approves of the latter can with reason reprehend the former; unless, indeed, it be those who value their property beyond their persons, which, in cases of this nature, it is apprehended few people do.

I CANNOT however pass over, in silence one obstacle, which some mistaken men, enemies to their country, and their country's good, have started to the addition above proposed. They magisterially ask, Who is to take care of a mans family, after he and his property is dragged from them? In the first place, I answer, What signifies it if they be not taken care of at all? but if they must be provided for, the charity of the parish officers is bound by law to do it. In case of negligence in them, Heaven will be their protector, for it is well known that God provides for the fatherless and for the widow. But upon the whole, I apprehend these questions to be neither more nor less than the offspring of a foolish misplaced pity, which
should

should always be disregarded when the good of the state comes in competition. The government might take care of the whole cargo, in a manner similar to that, in which it provides for those who grow old in its service. The children might be disposed of to answer many good purposes: And as for the mother, she might be sold for a slave, and the produce of the sale be afterwards applied to pay the father his wages. In regard to the little cot, if any such thing there should be, it ought to be disposed of, and the purchase money given to a pliable member. The remainder might be given to the poor.

ONE more difficulty remains, and this when got rid of, will render the system of pressing complete. It will perhaps be asked, what is to become of the father, after the minister hath no further occasion for him? But the question is too frivolous for consideration; it resolves itself: the father upon his return, finding his natal spot in the possession of a stranger, his wife sold, and all his children dead or dispersed, will in all human probability hang himself. If not, being
unable

unable to procure from the minister the scanty reward of his hard services, he will likely enough steal a halfpenny roll to satisfy his hunger, and then Jack Ketch will do the job for him. Thus, my dear Sir, will the whole system be one uniform piece of excellence, which now it is not, on account of the little defects I have just before pointed out.

IN regard to the management of the army, there are also beauties and excellencies which ought not all to be passed over in silence; I shall select one instance: They are severed from their fellow-citizens, and rendered as much as possible a distinct class from them. This is highly judicious; as in case of any obstinacy on the part of the latter, they will with less difficulty be reduced to reason and obedience. I wish I had it in my power to call the manner of raising this body of men, a beauty, and an excellence, and to bestow upon it as just a eulogy, as I have done in regard to the Navy; but seeing I cannot, I shall defer it, till a better mode be adopted. However there are other defects which require and deserve immediate attention. In the
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first place, the Army ought to be entirely at the disposal of the Crown, and be paid out of the Civil List, which should accordingly be augmented in proportion, and made payable to his Majesty and his successors for ever. The pay of the privates too is objectionable. It is considerably too much ; it enables them to wallow in the luxuries of life, and to fatten themselves like swine. This renders them idle, and saucy, and forgetful of their duty ; their pay ought at least to be reduced three-fourths ; the savings from this reduction might be applied to increase the pay of the officers ; or if it should be thought advisable, the minister might take it to dispose of by way of secret-service money. I am well aware, that it may be asked, How is a man to subsist upon a penny or three half-pence a day ? And I am also ready with an answer : It is well known that a few years ago men maintained themselves and families with only a penny a day : This was in the beginning of the first century ; and shall not a beggarly foldier live like an alderman upon three half-pence ? But even admitting that he could not fare very daintily upon such moderate

derate wages, where is the difficulty? The crows fed Elijah, and so they may the soldier. Hence also will arise another benefit: No one is ignorant of the wickedness which pervades the whole army; nay, so famous, or rather infamous are they for the odious vice of swearing in particular, that some holy men have wondered how it is possible they should ever succeed in any expedition. And indeed the difficulty can be solved upon this principle only, viz. That other armies swear as much as our own. This vice and all others will be banished by the reduction of pay; the vicious finding themselves destitute of a sufficiency, will naturally impute it to their wickedness, and of course reform. And in case some little lurking sin should prevent a regular supply of food by way of miracle, they must then have recourse to natural means, such as gnawing the walls as horses do, or the bark of trees, which perhaps is easier of digestion. Water need not be mentioned; it is but moderately taxed, and may be had almost any where. By these means also the soldiers will inure themselves to the most griping hard-

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ships, and learn to bear them with patience, a quality so necessary in gentlemen of their profession. Were it only to accomplish this desirable end, the private men should be immediately docked. I have I own been more prolix on this subject than necessity required; but I was willing to place it in as favourable a light as I possibly could.

THUS is Britain by the most humane and effectual methods that human wisdom can devise (except as aforesaid) protected not only from the insults of foreign powers, but also from all ill consequences which might arise from clamours and dissatisfaction at home. The army in particular is admirably adapted upon certain occasions, to collect the revenue, without which itself, as well as the navy, would crumble into dust; and even the employment of King, Legislator, and Minister, as you well know, be no more worth following. The revenue therefore ought to be (and generally is) peculiarly attended to by the governing part of every community. The peace, the security, nay, even the lives of every individual in the kingdom,

dom, if the revenue cannot be collected without taking them away, must and ought to be sacrificed to maintain it in health and vigour; for they are but secondary considerations in the institution of a commonwealth. But why should I dwell upon this subject, seeing it is so thoroughly understood by administration? I will only endeavour, as concisely as I can, to prove, that the present method of collecting our revenue is excellent, and in a fair way to be perfect. Nevertheless, as I proceed I shall candidly acknowledge any little defects that may occur.

THE grand and principal engine of the Minister on this occasion is the excise. Some discontented men out of place, have enviously stiled it a monster, terrible and fearful to behold—that will in a short time devour the whole kingdom. In size and strength (cry they) it may be compared to a castle; in swiftness to lightning; and in certainty of execution to death. It hath the eye of the eagle; like the shark, it is furnished with many rows of horrible teeth; and like the tiger, it delights in blood. Its legs are large

and finewy; its feet broad, and headed with talons of brass of amazing strength. Armed in this sort, it is not a little that can daunt it, or make it turn tail. It is the favourite domestic of the minister; he feeds it carefully and plentifully with his own hand, by which means it is amazingly increased in bulk and ferocity, so that few chuse to cope with it. On certain occasions, it traverses all parts of the kingdom, seeking whom it may devour. Part of its prey it reserves to itself; the remainder it carries to its master. In cases of resistance, its savage nature and inflexibility is beyond description. No place is so sacred but it profanes; nor can sleep, or the stillness of night, protect the object of its vengeance. All opposition vanishes before it; and men, women, and children fall victims to its unrelenting fury. From the never-failing strength of this monster, some have ventured to pronounce it immortal; while others assert the contrary, and relate a strange tale concerning it, which is as follows:

SOME time ago there lived somewhere in the North, and perhaps there lives still, one

Mr.

Mr. John Bull, an honest, well-meaning man, plain in his dress, and blunt in his manners. His house, neat in appearance, and strongly enough built, he would, in joke, frequently call his castle. It stood in the midst of a pleasant garden, which, surrounded by a moat, provided him in plenty all the necessaries of life. His principal food was pudding and beef; and his beverage sound October. Thus he passed his days in great tranquillity; owed no man a shilling, was beloved by his friends, and feared by his enemies.

Now it so fell out that on a certain time, who should pay him a visit but this same monster. But it was not at that time so formidable as at present. It was young, bashful, and timorous, and was then the property of one Charles Black, a gipsy, who, as is said, brought it from foreign parts, but was never able to rear it to its full growth. The first prank it played was with Mr. Bull's October, and some cordial which his wife kept in a sly corner, as a never-failing remedy for the cholic. Bull hearing a bustle below, went down, and caught the mischievous animal in the fact,
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and found the delight of his heart running all about the cellar, The beast would certainly have fallen a victim to Bull's rage, had it not eluded the first blow, and by significant gestures, promised never to be guilty of the like again. John therefore only gave it a good dressing, and let it go. However, upon examination he found that the loss of his ale was not all he had to lament, for the unlucky animal in its entrance into the cellar, had forced the door, and injured the lock so materially, that it never afterwards could be made secure.

AFTER having bestowed this wholesome discipline upon his new guest, Bull never thought of seeing it again. But now so it was, the monster having got a relish of John's good cheer, soon afterwards paid him another visit, and eat up two pounds of rush-lights. From this time, being grown older, much stronger, and more vicious, it was frequent and regular in its devastations. It had not now even the civility to knock at the door, but would rush through the window, and shiver the glass into a thousand pieces. It
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once left its excrements in Mrs. Bull's tea, and at another time spoiled a whole brewing of malt. In short, it was arrived at such a pitch of strength and impudence, that it would openly, by night or by day, steal those things that best pleased itself, such as grapes, apples, wash-tubs, hop-poles, &c. &c. It is true that Bull many times went out to give his antagonist battle, but he generally came off with the worst on't, for in proportion as the monster grew stronger, Bull grew weaker. In one battle, the beast, with a single stroke of its teeth, tore the shoes from Bull's feet, and picked his pocket of his tobacco-pouch. The latter, however, was not wrested from him but with some difficulty, and the loss made him roar amain. In another battle, with its brass nails, it tore Bull's shirt from his back, and is expected soon to eat up all his property, pull down his house, and tear his flesh from his bones. Nay, some do not scruple to predict that, without timely assistance, it will at last devour him bones and all, and then, having nothing to subsist upon, will in the end die itself. How true this prediction is, or whether any effectual assistance can

can be procured to face this untameable dragon in its present thriving state is a point not yet settled. This indeed hath been reported, that John Bull had twelve neighbours, all honest men and true, who now and then stepped into his aid, and rendered him a little service ; but some of them have of late been so much crippled by the monster and the monster's master, that little or nothing more can be expected of them. Indeed a rumour has for some time been in circulation, that the Minister intends to have them all hanged, for their opposition to his beloved animal, and for some other trifles not worth mentioning. And when this happens, it is further prophesied, that that time is at length fully come, when old John Bull, friendless and forlorn, will be flayed alive, if not totally devoured.

At this rantipole rate do the enemies of all good government run on. With what reason is evident ; seeing the revenue must be collected. And when that end is once attained, what can it signify by what means it hath been brought about ? Indeed, if some method could be devised by which an equal tax,

ation might be avoided, and some individuals totally exonerated, by laying additional load on their neighbours, it would be something better ; but till that desirable event happens, I must beg leave to remind my opponents of the good of the state, and recur to the old question, Provided the Minister, gets the money, what signifies it in what manner it is raised ?

I SHOULD be wanting in justice and candor to the minister, were I not to mention one circumstance more concerning the revenue, wherein his wisdom and foresight are eminently conspicuous. Few people are ignorant that former ministers as well as the present have incumbered the nation with a little debt for the good of the state ; and that the present Minister is exerting every nerve to discharge the said debt. But herein lies part only of his excellence ; the remainder lies in consequences. He borrows money when it is to be had, *viz.* in times of peace ; but not to hoard in the Treasury, as was the custom of old. On the contrary, he puts it out at interest, that in case John Bull should

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hereafter prove refractory, the money may be called in, and John soundly belaboured with his own weapons. By which means he will be reduced to order, without the ceremony of first having his pockets searched.

By such judicious and politic methods is it that we are enabled to retain our American possessions in spite of our foes ; and to avenge in a peaceable manner, all insults offered to the nation. I say peaceable : for we obtain those ends by talking, which other nations are obliged to compass by fighting. How different from those savage times when, if John Bull heard of a fray, he would instantly be in the midst of it ? He then fought while others talked. He now talks while others fight. But it is not in respect of foreign powers alone, that we may be stiled respectable and happy. Our property, persons, and lives, nay, our very souls, are as particularly attended to at home, as our honor and possessions are attended to abroad. Let facts speak for themselves, I ask nothing more ; and who after that shall say, we are not perfectly and universally happy ?

ALTHOUGH

ALTHOUGH at first sight it should seem that commonwealths were instituted for the purpose of insuring to a man happiness in this world only, without adverting to the manner of his existence in a future state; yet in every community it hath so happened, that a certain number of men are set apart to take care of their neighbours' souls as well as their own. The reason of this appears to be, because the concern is not purely spiritual, seeing the temporal interest of many is intimately blended with the spiritual part of the business. This may have induced some profane men to assert, that were our spiritual pastors left to be paid by him, whose servants they profess themselves, and obliged to forego the little temporal concern before-mentioned, bishops would soon degenerate into common parsons, and common parsons into sinful laymen.

HOWEVER, be this as it may, the clergy, exclusive of other small profits, receive in the first instance one-tenth part of all the property in the kingdom; in return for which

trifling consideration, they provide for the souls of all his Majesty's subjects, even in spite of their teeth. Nay, so great is their anxiety and regard in this respect, that in many cases they will strip their flocks of every shilling, and even burn them alive, rather than suffer them to be saved after their own fashion (which fashion in all countries, if it differs from that of the established clergy, is sure to be wrong, and is generally the fore-runner of a bonfire.) Indeed the humane method last mentioned, so congenial to the feelings of every clergyman, hath been unaccountably disused in this kingdom of late, much to the spiritual loss of the parties concerned. It is therefore sincerely to be wished that it may be revived; for, to the disuse of this charitable practice, is to be ascribed that depravity of manners so prevalent in the present age. In the mean time, as an adequate remedy, the clergy should at least be doubled, if not trebled. An inquisition might also be established similar to that in Spain, unless it should be thought that the ecclesiastical courts will answer the same purpose. And should that be the case, I am content. This I would particularly recommend,

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that the clergy should relax somewhat in their morals and manners, in which they are a little too rigid and exemplary. The more opulent fort might also dispense with some of their fastings and prayers, which emaciate the body, though they fatten the soul. Were they likewise to assume a loftier strut of dignity and formality, they would find their account in it. At present they are too meek and humble, at least in appearance. By all means the income and number of the bishops should be immediately augmented. If productive of no other good, it would be serviceable in the business of legislation. The whole clergy might also be directed to infuse into the minds of their flocks some wholesome notions of right and wrong, of which every man himself might be judge, independent of the laws of the land. Moreover, it would not be amiss, if in junction with the lawyers, they were somewhat more diligent in publishing their writings, to the end that the cheefemongers and old stalls might be more plentifully supplied than they are at present, if such a thing can possibly be.

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IN regard to the life of the subject, a few instances will sufficiently evince the extreme attention paid to it by the legislature. A's servant, tired of life, and desirous of doing his master a kindness, throws himself before his master's waggon, which goes over him and kills him. Here the law, to avenge the loss of life, and to make the master, for the future, more careful, gives the waggon, the load, and all the horses, to the Lord of the manor.

THE following instance may, indeed, be thought to lean a little to the contrary side of the question ; but, with some consideration, it will be found perfectly consonant to that legal reason spoken of by Sir Edward Coke. If a man cuts a drain from another's pond, and a fish escapes thereby, he shall be infallibly hanged. The reason of the case is, that that fish might be the only one in the pond ; and perhaps absolutely necessary to preserve its owner from starving. It is therefore out of extreme tenderness to *his* life, that the above heavy penalty is inflicted on the wrong doer.

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I KNOW it hath been objected, that in some cases one man may destroy the greatest part of another's property, such as his corn, &c. by riding over it, and yet be subject to no punishment at all. But here, I believe, a distinction may be drawn with great facility; for I apprehend that the pursuit of game is what the above objection alludes to, and there the destroyer is a lord very probably, or a rich man at least; which is not so likely to be the case in the former instance; and this is a material variation, and entirely alters the case. Besides, as Lord Mansfield very justly observed (in an action of this sort, wherein the plaintiff, a farmer, was non-suited), it is for the good of the state, that noxious animals (foxes) should be destroyed. It cannot be denied, that this bears some analogy to burning up a man's house and all his family, for the purpose of destroying his rats; but as it is not to be presumed that any Lord or rich man will ever take delight in such sort of sport, a law will hardly pass to give them liberty to pursue it, whereby the analogy ceases, and the before-mentioned objection is fairly out of doors.

ANOTHER

ANOTHER instance clearly in favour of life is, a clergyman commits felony a hundred times, and is a hundred times convicted; yet he shall not be hanged as a profane layman shall who commits felony twice: for, in the case of the former, the law presumes that the delinquent could not be in possession of that strength to oppose temptation, which is expected to be found in a sturdy layman.

IF an exciseman in the execution of his duty kill A. B. and all his family, it is no murder: It is justifiable homicide. If A. B. his family being present, kill the exciseman, they are all guilty of murder, and shall be hanged and dissected. If Sir H. P.'s game-keeper shoot at Z. and kill him, yet is this right and justifiable. But if Z. shoot at a partridge trespassing on his brother's ground, and by mistake kill the game-keeper, this is murder, and Z. shall certainly be gibbeted. If Lord X. ruin half the nation, and with the spoil revel in a bawdy-house two years, he shall pay one shilling fine to the King. If A. destitute of habitation and food, live one month with a company of gypsies, he shall be hanged. If
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K. pull down L.'s house, he shall build him another. If L. cut down K.'s tree; he shall be hanged. If N. die, O. shall enter his premises, and take his best beast, without being subject to any punishment for so doing. If O. die, and N. should dare to take O.'s worst beast, he shall be hanged. If D. murder E. and Richard Coleman be accused of the crime, he shall in all the public papers be stiled the murderer; and the jury shall be informed that the man who murdered E. is to be tried. Whereby it appears that it is no maxim of the English law, that every man shall be presumed innocent till the contrary be proved. The maxim is, every man accused of a crime shall be presumed guilty till he proves the contrary. For on no other principle, in cases of acquittal, can we account for those frequent reproaches, vented on the accused from the bench, after a man has appeared once or oftener at the bar. It is true, that it is no crime, but rather obedience to the laws, in him who is accused, to appear and take his trial, and although he should have been tried a hundred times before, yet if he hath

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been constantly found not guilty, a lecture from the judge seems beside the purpose. But then in favour of life it shall be allowed, and the above-mentioned maxim steadily adhered to. Therefore Richard Coleman shall be hanged to-day for the murder that D. committed, and D. shall be hanged to-morrow.

I KNOW of no exception that can be taken to this manner of proceeding, unless perhaps it is that of being too tardy and formal. It might be better, and certainly would be more uniform, if, on the appearance of a man at the bar, he were upon the aforesaid presumption immediately hanged. His trial should then commence, and proceed with all due expedition ; that in case his innocence were made manifest he might be restored to life. But as death might (notwithstanding innocence) sometimes attend this method of proceeding, I should, in that case, recommend the prosecutor to be forthwith tacked up upon the same gallows for his false accusation. This (amongst many others) would

would be productive of one very good consequence. It would considerably lessen the number of frivolous prosecutions.

It is not to be denied that some persons, who on other occasions might be styled well meaning, have objected to the practice of denying a prisoner, in cases of felony, the privilege of employing counsel in his behalf. I own, at first sight, this objection appears to carry some weight with it, seeing in every little dispute concerning a man's property, he has not only the privilege of employing, but is compelled to employ counsel, otherwise he shall not be heard. But it is in this, as in all other cases, that the humanity of the English law is eminently conspicuous. For as the learned Blackstone observeth, the judge (between whom and the minister there is sometimes a good understanding) is, by law, the counsel for the prisoner, and bound to take care of his interest. This he frequently does by ridding him of all his complaints at once, and consigning him to that peaceful state, where the wicked cease from troubling.

troubling. Those who are incredulous in this matter, may sufficiently satisfy themselves by calling to their recollection the humanity of one Mr. Justice Jeffries, afterwards Lord Chancellor Jeffries, who in a case of this sort turned back the jury eleven times, and stuck by his client to the last. By this perseverance the Judge at length succeeded in her behalf. The jury had the complaisance to bear a part in his humanity, and accordingly found her guilty of a crime she never committed.

THE persons of Englishmen are attended to by the law with no less vigilance than their lives. No subject can be cropt, maimed, or disfigured, without the consent of the Minister ; and this consent is never to be obtained but when the good of the state requires it. And in order that our persons may be looked after with the greater facility, our legal sages have from time to time judiciously contrived in all charges to separate the law from the fact, and to make the juries the judge of the latter, and themselves of the former ; whereby it happens that all his Majesty's

jeſty's ſubjects are kept in very good order. For any one being charged with the commiſſion of a miſdeemeanor, appears and pleads not guilty. The jury finds him guilty ; i. e. guilty, not of the crime with which he is charged, but of ſomething elſe called a fact. It is upon this fact that the judge beſtows ſuch appellation, and inflicts ſuch puniſhment as he or the Mi- niſter thinks proper. It is no ſecret that a few vagrants, who may have ſmarted a little in this way, have complained of it as a hard- ſhip, that in all queſtions of property between ſubject and ſubject, twelve of a man's neighbours ſhall decide, but that in all criminal caſes (except only in felony), the judge ſhall aſſeſs the damages and determine the puniſhment. How unreaſonable ſuch complaints are will ſoon appear, if the good of the ſtate be for a moment conſidered. The commiſſion of crimes is deſtructive of happi- neſs in a commonwealth. Nothing can ſo effectually operate in the way of prevention as exemplary penalties ; and it is well known that no penalties are more exemplary than thoſe inflicted by the party grieved. This is the caſe here : For the Crown is the proſecu- tor,

tor, and the minister, who may be called the representative of the crown, and also the party grieved, appoints the judge who inflicts the punishment; the remedy therefore, will hardly ever be defective for want of weight. This also proves another pretended maxim in the law to be no maxim at all, *viz.* that no man shall be judge in his own cause.

THE excellence of this regulation will be more apparent, if we consider how inadequate twelve of a man's neighbours are to the task of determining the nature and quantum of his punishment; but more especially if we recollect, that the judge in his sentence cannot exceed the rule prescribed him by the law; for setting aside that part, which provides, that excessive fines shall not be imposed, (which belongs to property and may be styled the art of reducing a man to beggary) it is laid down that the judgment in these cases shall not extend to life or limb. I am well aware, that a man may sometimes be imprisoned for eight or ten years—be cropt of his ears—may have his tongue bored through with a red hot iron, and his
nose

nose slit and feared to prevent a re-union. He may also be disfigured in many other ways as shall seem fitting to the minister; and I must allow, that this may all happen for tacking to the name of the Minister's mistress the appellation of a w—e. But here it is to be remembered, that all coarse railing of this sort, when reduced to writing, ought to be discountenanced in every polite community. Besides it may be justly doubted, whether such freaks as these played with a man's knob be any punishment at all. His ears are certainly of no use. They serve only to give him the semblance of an ass. And as for his nose, what is it but a filthy bit of flesh sticking out from his face? In regard to his tongue, should that be rooted out, it will at least save him from the penalties annexed to blasphemy, if it answers no other purpose. But what needs all this justification? It is well known, these are not limbs, and therefore the law is not infringed, any more than it would be by docking a man of his arms and legs, provided the judge in his wisdom should be of opinion, that they come not properly under the legal denomination of limbs.

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HAD not the foresight of some of our legal sages prudently contrived to separate the law from the fact, as beforementioned, it is not easily to be determined how the government could have been carried on with any comfort to the minister. The present doctrine of libels sufficiently illustrates the truth of this observation. T. Scratch shall be the publisher of a daily paper. His Editor shall unwittingly insert therein, that the minister hath the talons of a vulture (which though false, we will for a moment suppose true) Hereupon Mr. Scratch shall have a bill of indictment found against him by twenty-four of his neighbours, charging him with publishing a *false*, scandalous, and malicious libel. This indictment he shall have a copy of, that he may know what he is charged with, and that he may make his defence. He accordingly pleads not guilty; and proves that what he published is not false, but true. Whereupon the jury, of course, brings him in Not Guilty. But, upon this, judge Jeffries shall bounce and fret; and, in a rage, turn back the jury (to whom some will say he is only a servant) to reconsider their verdict.

Imme-

immediately the twelve taylor's (equal to one man and a fraction) shall begin to sweat and tremble. The wig and gown (never seen by them before) shall confuse and half annihilate them; and they shall return and find the defendant guilty of publishing only, i. e. only guilty of publishing what he was charged with, viz. a *false*, scandalous, and malicious libel. Having done this, they shall take up their hats and sink out of court, leaving their neighbour to be beggared, cropt, exposed and imprisoned at the mercy of the minister.

MANY, I have no doubt, will consider this as a hardship upon the defendant; and may perhaps adduce the following instance as a proof. A. is a knave, and cheats B. at cards. B. in writing, publishes this to the world, and shall stand in the pillory for his pains. A. afterwards meets B. and bestows upon him the opprobrious epithets of rogue, rascal, scoundrel, villain, &c. And moreover propagates it by a hundred mouths; whereby B. loses his credit, and five thousand pounds into the bargain. Accordingly B.

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indicts

indicts him, but A. is found not guilty; for this is no libel, seeing it is not reduced into writing. Whereupon B. brings his action for damages: but in this too he fails, because the words are not actionable. B. therefore shall be obliged to pay a hundred pounds costs, and with his loss sit down content. I know it may, and will be asked, Why is there no punishment in the latter case as well as the former? And I accordingly answer, that all our juridical writers make a very material distinction between the one and the other; seeing the first is no more than beating the air with one's tongue; whereas the latter is a libel, being reduced to writing, and therefore more effectually calculated to excite the injured party to revenge.

WERE it not for the constant and uniform complaisance of our modern juries in this and a few other cases, the trial by jury would be an intolerable grievance in the state. How different this complaisance from the obstinate savage manners of those who begot us? Our forefathers had not the politeness to cringe

cringe to a judge—they would not surrender a fellow subject to be maimed, cropt, or plundered without knowing wherefore. Indeed it may be a question, whether those who infused this destructive poison into the constitution, did not intend it as a counterpoise even to the legislature itself. They might conceive that a stubborn jury, taking cognizance of law and fact together, would find a defendant guilty or not guilty, as to them should seem meet; which is not to be endured in a free state. In fact, the whole institution is monstrous, and ought to be entirely abolished. It is therefore most sincerely to be wished, that the minister would by little and little rid the subject of this intolerable grievance. He might first abolish it in one instance, and then shortly after, in another. It might not be prudent to extirpate it by a single blow, lest the rabble not knowing what is for their good, might grumble and prove troublesome.

In the same manner also should the minister proceed in regard to those infamous periodical publications called newspa-

pers. They are calculated only to inform the people of more than they ought to know, and to inspire them with fantastic and romantic notions of liberty. In the first place, they should be taxed a little, and then a little more; and afterwards an additional half-penny might be imposed in the stamp way. This, in process of time would enhance the price, and of course diminish the number of readers, especially were it provided that they should not be let out to hire: the publisher ought also to be debarred from returning those stamps which he could not vend. This would infallibly cramp his sale, and perhaps ruin him, which would be better, as in that case the paper would be discontinued. He should likewise from time to time receive a moderate discipline in the way of libel before mentioned; this would bend him into the right way. But above all, he should (like the theatres) be suffered to exhibit nothing except what had first undergone the inspection and approbation of the minister's friend, which would drive the nail completely home. Indeed it were to be wished that this excellent method of prevention were extended to

to other cases ; such as obliging a man going a journey to give security against committing robbery, murder, &c. It would strengthen the sinews of government, and be a great blessing to the state.

NOTWITHSTANDING the care taken by the legislature, of our souls, our lives, and our persons, it would be no mighty matter to boast of were not that care extended to our property also. Indeed the care applied to this article is so extremely attentive, that I am at a loss where to begin my encomium upon it. Perhaps it will not be amiss, in the first place, to define what I mean by property.

IN order to speak intelligibly concerning property, let it be premised, that it doth not in strictness signify all that a man is ostensibly possessed of, such, as for instance, a house and land of the value of forty shillings per annum ; but what that house and land is worth after the Minister, the Bishop, the Parson, and parish officers have received their dues, which in some cases may be ten shillings
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in the pound, in others twenty, and perhaps thirty. It must therefore be observed, that when I speak of property, it is constantly under these restrictions; and also upon the supposition that such ostensible possessions are not entirely exhausted by the dues aforesaid; for where these dues preponderate, there is no property at all. The little overplus then, if any such there be, is what I shall generally signify by the term property.

A LEADING law concerning property is the following: A. seized of real property to the amount of 1000*l.* a year, dies suddenly, leaving 5000*l.* in money, and also 12 children, sons and daughters. He likewise dies in debt 5000*l.* In this case, the 5000*l.* in money shall be applied to pay the debt. One of the sons shall take the whole of the remaining property, and all the other sons, with the daughters, shall either turn beggars or starve.—The reason is, that this law stood thus in those times, when slavery existed in this country, and therefore it shall stand so now.

ANOTHER

ANOTHER law not much unlike the last, is the following: An affectionate parent gives ten thousand pounds to his only son, who purchases therewith a considerable real estate: The father, by unforeseen misfortunes, is reduced to poverty. The son dies suddenly, and intestate, leaving no relation but his father, and leaving no property but the estate before-mentioned. In this case the lord of the manor shall succeed to the estate, and the father shall starve. The reason of this is evident. The law will not allow the father to inherit from the son; besides, as Lord Coke very judiciously, (though rather funnily) observes, that houses and lands are composed of dense materials; which, by reason of their ponderosity, shall never ascend from son to father; their natural progress being downwards, i. e. from father to son. But allowing both these reasons defective, the difficulty is easily solved by a supposition very probable, that the father dies before the son; for in that case the father being troubled with no wants, all equity and hardship will be entirely out of the question.

ANOTHER

ANOTHER law of the same cast is the following. A man seized of real property, has a son, and his wife dies. He marries again; has another son, and then dies himself. Here the eldest son shall have the estate, and the youngest shall beg. Afterwards the eldest dies, leaving no relation but the youngest; yet the youngest shall continue a beggar, and the estate go to the lord of the manor. One reason of this is, because the law, in such case, hath provided that the estate *shall* go to the lord of the manor: but the principal reason, as laid down by the learned judge Blackstone, is, that the two sons had different mothers; and therefore the youngest had not in his body the blood of his brother; for which reason a stranger shall inherit his father's property, and he shall continue a beggar as beforementioned.

A FOURTH law, not inferior to either of the three former, is this: Z. enjoys real property to the amount of 10,000*l.* a year; spends his income regularly at the gaming-table, runs in debt with his tradesmen, A, B, C and D, to the amount of double that sum,

sum, and dies. In this case the law hath provided that Z's son shall have the property to spend after the father's fashion ; and that A, B, C and D, shall never receive a farthing, but be totally ruined. The reason is evident. Frequent bankruptcies are good for the lawyers. Besides, the property is not annihilated ; and what signifies it to the government whether N. or O. styles himself the owner of it ? for the state is equally rich in what manner soever it is distributed.

ANOTHER law, founded upon the same broad basis of justice, is this: S. in debt to M. 50l. and to N. 50l. makes O. his executor ; and dies possessed of 50l. only.—Here, though the 50l. due to M. be all that he has to subsist upon ; yet, if N. be O.'s friend, N. shall receive the whole 50l. and M. shall starve. The reason is this: in all polite communities, poverty ought first to be generated, and then severely punished.

ALTHOUGH the excellency of the above-mentioned as well as of all our other laws, hath been pretty generally admitted ; yet some

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have

have asserted, and it must be allowed to be true, that there is no law in this country to compel the payment of debts: even from those who are not lords and parliament men. For should the debt be considerable, only part of it can be recovered; and should it be from 40*s.* to 5*l.* no part at all shall ever reach the hands of the creditor. As for instance; Q. owes S. 40*s.* S. is honest and poor; Q. is knavish and rich, and will not pay without compulsion. S. to procure justice, employs an attorney, which he is obliged to do; for it is to be observed, that justice like the badger is not to be baited by every cur. After some little trouble and vexation, and about 30*l.* expence, a verdict is procured for the 40*s.* and costs, making in the whole 32*l.* which S. shall be at liberty to levy upon Q.; and it is accordingly done. Out of this 32*l.* so levied, 30*l.* shall in the first place go to pay the attorney what are technically called his taxed costs.—The remaining 40*s.* shall be applied to the undermentioned purposes, *viz.*

l. s. d.
 To pay - - 0 13 4 for the writ of execution.
 1 12 0 to the sheriff for his trouble.
 Likely enough - 1 1 0 to the bailiff.
 And more probably 5 5 0 to the attorney for extra costs.

exclusive of a few other trifling expences. After all these extras are deducted, it is sarcastically observed, that the remainder is given to the creditor for satisfaction of his debt, that is, if he can get it: for the attorney not being obliged to give security to his client, sometimes keeps it himself. It must be allowed, that there is some plausibility in the story thus told. But it will be much better understood, if we consider how well calculated the regulations in this respect are to prevent litigation, and ensure peace to the subject: for what creditor will go to law merely for the purpose of giving his debtor an opportunity to laugh at him.

UNDER this head may also be ranked that excellent doctrine of Lord Mansfield's. If A. recovers against B. a debt of 20,000*l.* and takes him in execution for it: although A. gets no part of his money, yet he shall pay

the sheriff above 500l. for carrying B. to gaol. The reason is this: The law never extends to do any one an injury, which in this case it would, were not the sheriff paid for his trouble. Besides, this method of saddling loss upon loss, is likewise an admirable preventative against those vexatious suits, with which many of the people of this country are so frequently troubled.

THERE is no doubt but that these practices, with a few others of the same complexion, may be considered as a hardship upon plaintiffs. Indeed few arguments adduced in their favor would be tenable, were it not on account of some hardships that in similar cases are thrown on the contrary side of the question, viz. on the defendant: The following is a hardship of this sort. P. is an honest tradesman, maintaining himself and family by his own industry. R. is a knave not worth a groat. From motives of revenge, or interest, R. arrests P. for 500l. altho' he owes him not a shilling. Should P. have the good fortune to find bail for so large a sum, and credit to defend the action, he runs up a bill

bill of a few pounds to his attorney, and casts his adversary ; when P. applies for his expences, (say 50l.) R. probably is *non est inventus*. But in case R. should scorn to flinch, then for the trifling expence of five or six pounds more, P. may gaol him for life. In either case, should P. be unable to pay his attorney, he goes to gaol too ; and perhaps the attorney, who, upon the strength of the job, had got his old black coat scoured for the term, and launched into a few other necessary expences which he is unable to pay, is sent to the same place. Here the plaintiff hath ample matter of revenge. He not only sees his enemy a victim to his malice, but also his enemy's attorney, which gives additional relish to the mental feast.

I AM not ignorant, that many people have looked upon the above advantage as a grievance, and impertinently suggested that every plaintiff, previous to commencing any action, ought to give security to prosecute it with effect, as was the practice in former days. I say impertinently suggested ; for altho' any vagrant may arrest whomsoever he pleases,
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even for 50,000l. without giving any security at all ; yet before he proceeds further, the wisdom of our law hath provided him with two well known responsible gentlemen as his securities, to wit, Mr. John Doe and Mr. Richard Roe, and the declaration, not the arrest, is the commencement of the suit. I am aware that on the contrary side of the question, it is insisted that exclusive of the two gentlemen before-mentioned, namely, Messrs. Roe and Doe, a defendant in many cases is obliged to find two other responsible sureties, who shall come forward in *propria persona*, and undertake for the future conduct of their principal ; and therefore that a plaintiff ought to be laid under the same obligation. This I confess is not to be gainsaid ; but then it should be considered that this would lessen the number of lawsuits, and consequently that truly respectable troop of counsellors, attornies, bailiffs followers, &c, would also be very much reduced in number, if not greatly impoverished. Besides the three supreme courts of justice would lose a great part of that business for which they now so earnestly ——— and even dwindle into inferior

ferior courts ; which in an opulent country is not to be endured.

ANOTHER advantage which the plaintiff hath over the defendant is the privilege of keeping him in prison for life, for a debt of forty shillings. An instance will be a sufficient illustration. A. is one part of the legislature, B. a lawyer, is the other. C. is a creditor to whose inordinate passions all things must submit ; and D. a ragged, half-starved debtor, not worth a halfpenny. Here A. privileged from imprisonment, assisted by B. whose good cheer depends upon the increase of strife, gives C. the liberty of imprisoning D. to the latest hour of his existence ; even though C. should reap no benefit from such imprisonment but the gratification of his revenge. The reason is self-evident. A. is indifferent. B. lives on the ruin of D. and his family, and perhaps of C. too. All attempts therefore to alter this law, shall be called by B. innovation ; and the practice shall remain, in spite of every effort made by enthusiasm to the contrary.

A FEW

A FEW other laws, of the same woof and texture, might be adduced were it not already sufficiently established, that the interest and benefit of the subject is ever the prime object of the legislature. Indeed, the excellency of these laws can only be equalled by that of the means whereby they are carried into execution.

MANY people have objected, that these means are frequently uncertain, vexatious, dilatory and oppressive ; that a man is generally obliged to employ deputies ; and even those deputies many other deputies, before justice can be traced to her proper source ; that when she is discovered, she is in general so lank, and so arrant a skeleton, owing to hard and long running, that she is not worth picking up, in case her pursuers should not have devoured her ; but, that the curs, proper on these occasions, are so numerous and ravenous, that they not only frequently pick her to the bone, but sometimes devour her alive. In answer to these objections, it would be sufficient to say—what are parables good for, but to perplex the understanding ?

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However, lest such an answer should be thought too laconic, it may not be amiss to say a few words more concerning the length, the delay and expence of law proceedings, which perhaps is all that require explanation.

IN regard to the length and delay, let it once for all be observed, that it was the opinion of Sir Edward Coke, that oracle of jurisprudence, that special pleading is the heart-string of the common law. Now, this special pleading, (which is no more than the case in dispute between the plaintiff and defendant reduced into writing) will on many occasions run out to a very considerable length. First, because, this case is drawn by a special pleader; who works, not like a taylor by the day; but, like a scavenger, by the piece; and is copied by the attorney, who works in the same way. Secondly, it is allowed by the judges, because they were all originally either attornies or special pleaders, and have a sympathy for those who labour in the same vocation:—It need not be observed, that length

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of matter will naturally induce length of time, and consequently delays. But an instance that happened a few years ago, will better elucidate this; K. took a fish out of L's. pond, value 4*d.* Both claimed a right to this fish:—Accordingly, L. brought his action, and K. defended it. Here it was necessary to draw up a case of about 1500 sheets for the information of the court and jury; and after three years litigation, and solemn argument frequently had, K. at the expence of 450*l.* clearly proved that the fish was his own. In this the oeconomy of the law is manifest, seeing it renders things of small value so extremely productive as from one groat to hammer out a sum of four or five hundred pounds.

As to the expence, it is evidently a material advantage. Judge Blackstone hath asserted, that justice cannot be summarily and cheaply administered in a commercial country; and experience proves what he asserts to be true. But the clearest proof of the utility of the article of expence is, that whereas in some countries one party only
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comes off loser—In this country both parties infallibly lose. And seeing that in the English language two negatives make an affirmative, the consequence is, that in all lawsuits in this country, both parties are gainers. That law therefore must be eminently beneficial which leaves both plaintiff and defendant reason to rejoice.

BUT in order to comprize the whole of this part of the subject in as short a compass as possible, be it known, that there are at present in constant employ four great mills, which grind the corn of the whole kingdom. For on account of their taking in the small grists, the mills of less note have little or nothing at all to do. Three of these large mills, stand each upon four pillars aided at the corners by twelve rotten joists, which are soon expected to crumble into ruin. Their downfall is expected the earlier, as the owner hath given orders to his servants to take every opportunity of damaging them by sly picks and cuts. The fourth mill is supported by a single pillar of black rough hewn marble, and its wheels are furnished with such terri-

ble teeth, that, with a little assistance from one of the other mills, it grinds to powder the corn of all the widows and orphans in the kingdom. It was formerly supposed that these four mills were driven by steam, but it hath since been discovered that they are worked after the manner of the gold mines in America. Their proprietor, though he never mends the joists, at times renews the pillars, and moreover employs a very numerous troop of journeymen-grinders of all sorts, besides apprentices, equal in point of number if not of malignity, to the locusts of old. He pays them no wages, and yet they secure to themselves a decent subsistence. In the first place, part of the meal is disposed of to purchase train oil for the pillars, with which they are plentifully greased. The journeymen then take a regular toll from what remains ; and the apprentices generally either waste or pilfer the rest. The owner of the corn therefore seldom gets any thing but the trouble of carrying it three or four hundred miles to be ground. It has been said, that some have attempted to rescue their property before it was ground to dust, but that they failed

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in the attempt, and had their breeches torn into a thousand tatters. That others have lost their arms, and not a few been thrown into the hoppers, and there miserably ground to death. It hath likewise been reported that the number of grinders is shortly to be increased; but in that case I fear it will also be necessary to increase the number of grists, which it may be found somewhat difficult to do. And should one plan be adopted without the other, likely enough those who grind, as well as those who are ground, nay, mills, owner and all, will sink into irrecoverable ruin.

NOTWITHSTANDING the blessings derived from the before-mentioned institutions, it must be acknowledged there is a want of uniformity in our law establishments, seeing there are three supreme courts of justice, and only two, not of justice, viz. of equity. I therefore humbly propose, that the court of star-chamber be revived, or at least (which will answer the purpose equally as well) that another court of chancery be immediately established, with a moderate increase of barristers,

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solicitors, &c. &c. There ought also a new officer to be established in this as well as in the old court; his business should be, to examine upon oath every year, by interrogatories sufficiently long, and settled by counsel learned in the law, all his Majesty's subjects respecting their morals, manners and private actions; for in this respect the common law courts are miserably defective. Neither would it be amiss, if instead of stuffing the office copies, as is at present the practice in the old court, the number of words in each sheet were limited to nine. I have made use of this number in preference to others, first, on account of its many mystical qualities, as for instance, its being compounded of three times three, &c. Secondly, because it will increase the consumption of stamps, and of course be beneficial to the state, but particularly so to individuals, such as paper-makers, porters, attornies, &c. Thirdly, on account of the nine plagues of Egypt. But lastly and principally, on account of the resemblance of the figure to that of a halter ready prepared with a noose for immediate service. For, it hath been observed, that of
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all services, a man, by the discipline of the Court of Chancery, is as well qualified for this as any. It would be superfluous to observe, that the penalties tacked to the tail of every misdemeanor, should be determined at the pleasure of the judge, and that the expences upon all occasions, should be borne by the party examined. Notwithstanding this new court, it is not by any means intended that the old one should forsake its accustomed avocation of keeping a strict look out to the portions of the fatherless and the widow. And indeed if at any time it should find itself insufficient to manage them effectually, the new court might occasionally be called in to assist. I am not however very sanguine in my wishes concerning the establishment of this new court, for if the legislature, in their wisdom, should think the old one adequate to the above-mentioned purpose (which, for aught I know, it may) I am content. But at all events it is to be wished, that the consumption of stamps in the old court were a little more attended to; and that the pleadings in all cases were interspersed with well selected quotations from
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the 27th folio volume of Viner's Abridgment of the Law of England. The portions of orphans might also after a good scouring here, be obliged to perform quarentine in all the ecclesiastical courts, where they might receive their last polish, and the unevenesses occasioned by the rough file of the Court of Chancery be reduced to a level ; not by filling up the furrows, but by shaving down the ridges, as is practised in cases of a like nature. But as this is frequently done, further regulations may be thought unnecessary, I shall, therefore forbear saying any thing upon the subject.

I KNOW there are several well-meaning men, who anxious for the welfare of their fellow subjects, and more particularly so for the safety of their property, have intimated a wish, that a few of the old wholesome laws were revived ; such as the tenure by knight's service, with its numerous train of wardships, liveries, &c. &c. And more especially that respectable system of villenage abolished in the reign of the second Charles. For all writers agree that agriculture hath degenerated
since

since the abolition of slavery in England. However, notwithstanding the advantages which might arise from a revival of this sort, I must beg leave to dissent from it; principally because that little overplus before-mentioned, which some, merrily enough, call their property, is well enough secured without it.

BUT while I record the humane wishes of one set of men, I cannot forbear noticing the malicious remarks of another. What signifies all this fuss about a man's property, exclaim they, when, after paying the minister his dues, the bishops, parsons and parish-officers, their little demands, with some few other expences, the remainder (if any) generally undergoes the aforesaid process of grinding to its utter destruction. They, therefore, ridicule the little overplus upon which I have so much descanted; and lament the fate of those, who, they alledge, are stripped not only of all their property, (even to their skins in many cases) but of their habitations and liberties also.

SUCH mournful ditties as these may operate upon those shallow reasoners who slightly skim over the surface of things ; but to a metaphysician who reasons deeply, they assume a quite different appearance. It may be justly doubted, whether the mass of mankind be intitled to any liberty or property at all. Nay, some have asserted, that they are of a distinct species from the bettermost sort ; which, I must own, appears extremely probable ; for what are they but

1. Beggarly Tradesmen.

2. Brutish Plough-Joggers ?

All indiscriminately ranked under the appellations of the rabble, the dull rabble, the vile rabble, the scum of the earth, the dogs, the boars, the brutes, &c. &c. which indeed sufficiently proves the assertion to be true. They ought therefore, after a compleat strip of habitation and property, to be turned up into the woods, and there hunted for the diversion of the minister, the nobility, the parsons and the lawyers. But even admitting, for a moment, that they are of the human species,

species, is not a total deprivation of property, nay, of liberty also, one of the greatest blessings that can befall them? for, in the first place, the proverb saith, money is the root of all evil. And, in the next place, a moderate quantity of misery, heaped upon them in this life, will not only ensure to them the happiness of the next, but also enable them to enjoy it with additional relish.

THERE are a few whose kindness I commend, although they are mistaken as to facts. They will have it, that the poor creatures ought at least to have some hovel wherein to shelter themselves from the piercing inclemencies of the winter. But hath not the law provided even palaces for them? While France is inhumanly demolishing the habitations of the poor, is not this country every day erecting them? I should be glad to know (if they can tell me) for whom that noble edifice in Coldbath-fields is preparing, with two or three more of the same cut? Are they not for the before-mentioned brutes and their posterity? And are not similar structures upon the plan of that great philanthropist,

Howard, building in every corner of the kingdom? Who then after this shall presume to assert, that habitations will ever be wanting either for them or their posterity?

THERE are many other laws now existing in this country that are in no wise inferior to those I have before pointed out. But it would swell this letter to too large a size were I particularly to notice them; I must therefore, for further information on this head, beg leave to refer you to the Statutes at Large—Viner's Abridgment of the Laws of England, Comyns's Digest, Bacon's Abridgment, with a few other folio abridgments and digests of the same cast; but more especially to those massy repositories of law and equity known by the appellation of Institutes, Commentaries, Year Books, Reports, &c. &c. and of which about two or three thousand folio volumes, written in a diminutive, blind, black letter, will give a common man a tolerable notion of the laws of his country, render him a good citizen, and enable him to shun those rocks upon which others, for want of a similar information, are wrecked.

wrecked. But without adducing these authorities, I hope I have proved to your satisfaction, and also to the satisfaction of others, That the English constitution and laws is a model of excellence ; and setting aside the few trifling defects before pointed out, a model of perfection also ; calculated in every instance for the benefit of the subject, and therefore highly worthy the attention of the National Assembly of France, contrary to the assertion of those visionary writers, taken notice of in the beginning of this letter.

With great respect,

I am,

Dear Sir,

Your very humble servant,

ROBERT WOOLSEY.

Dec. 1790.

T H E E N D.

wrecked. But without addressing these anti-
thetical points I have proved the very thing
and also to the interest of the others, that
the English constitution and laws is a model
of excellence; and setting aside the few in-
firm details before pointed out, a model in
protection also; calculated in every manner
for the benefit of the subject and the
highly worthy the attention of the National
Assembly of France; to which the attention
of their assembly was given, when notice of
it was given in the beginning of the year.

ROBERT WOOLLEY.

THE END